

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FAS

UNITED STATES OF AMERICA) Magistrate's Case No. **'08 MJ 1450**
 VS.)
 MARTINEZ, Cristobal) COMPLAINT FOR VIOLATION
) 18 U.S.C. 545
) SMUGGLING GOODS INTO THE UNITED
) STATES
) BY: *J* DEPUTY
)
)

The undersigned complainant being duly sworn states:

COUNT ONE

That on or about May 7, 2008, within the Southern District of California, defendant MARTINEZ, Cristobal, did knowingly and intentionally smuggle approximately 79.4 kilograms of Iodine, a listed precursor chemical, into the United States from a place outside thereof; in violation of Title 18, United States Code, Sections 545.

And the complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

[Signature]
 Jeffery G. Arndt
 U.S. ICE Special Agent

Sworn to before me and subscribed in my presence 5/8, 2008

[Signature]
 United States Magistrate Judge



PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury the following statement is true and correct.

On May 7, 2008, at approximately 4:00 a.m., Cristobal MARTINEZ-GONZALEZ attempted to make entry into the United States from the Republic of Mexico at the San Ysidro Port of Entry, San Ysidro, California. MARTINEZ-GONZALEZ was the driver and registered owner of 1999 Chevrolet Truck bearing California license 6U77083

During Pre-Primary inspection, Customs and Border Protection Officer (CBPO) Hersey, utilizing his CBP Human and Narcotics Detection Dog (NHDD), came in contact with the vehicle driven by MARTINEZ-GONZALEZ, who was applying for admission into the United States. CEO Hersey observed his NHDD alert to the spare tire in the back of the truck. CBPO Benjamin, who was assisting CBPO Hersey, received two negative Customs declaration from MARTINEZ-GONZALEZ. CBPO Hersey informed CBPO Benjamin that the spare tire tapped hard. MARTINEZ-GONZALEZ was escorted to the security office.

In the secondary inspection area, a border search of the vehicle was conducted by CBPO Cruz. This inspection revealed packages hidden within the spare tire. The packages contained a substance that appeared to be iodine. Patriot Environmental



Services, a hazardous material contractor was notified and responded to take custody of the tire and contraband within the spare tire of the vehicle. The tire wheel and contraband had a total weight of 79.40 kilograms.

At approximately 7:05 a.m., Special Agent (S/A) Arndt, and SA Derren Henderson, utilized CBPO Rodriguez as an interpreter and contacted MARTINEZ-GONZALEZ the driver and registered owner of the vehicle. CBPO Rodriguez advised MARTINEZ-GONZALEZ that iodine had been found in his vehicle and that he was under arrest. CBPO Rodriguez advised MARTINEZ-GONZALEZ of his constitutional rights in the Spanish language. MARTINEZ-GONZALEZ stated that he understood his rights and stated that he was willing to answer questions.

MARTINEZ-GONZALEZ provided the following statements. MARTINEZ-GONZALEZ stated that he was being paid \$300 to cross the vehicle into the United States and deliver to a location to be determined by the vehicle following him. MARTINEZ-GONZALEZ stated he knew the vehicle contained contraband. MARTINEZ-GONZALEZ stated that he knew what he was doing was illegal, he just did not know exactly what was in the spare tire.

MARTINEZ-GONZALEZ was arrested and charged with violation of Title 18 United States Code, Sections 545. MARTINEZ-GONZALEZ, who is a Mexican citizen, was booked into the Metropolitan Correctional Center in San Diego, CA. The bulk Iodine was seized

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by the contractor and vehicle was seized by the U.S. Customs and Border Protection.

Executed on May 8, 2008

Special Agent Jeffery Arndt

On the basis of the facts presented in the attached probable cause statement consisting of ____ pages, I find probable cause to believe that the defendant's named in this probable cause statement committed the offense on _____ in violation of Title ____, United States Code, Sections _____.

United States Magistrate Judge